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OFFICE OF PETITIONS

In re Application of Gardner et al.   :
Application No. 10/820,610   :   Decision on Petition
Filing Date: April 8, 2004   :
Attorney Docket No. P06278US01-PHI1318C :

This is a decision on the petition under 37 CFR 1.182, filed May 1, 2007, which requests that one of the two terminal disclaimers filed on February 6, 2007, be withdrawn.

The petition is **granted.**

On February 6, 2007, petitioner filed two terminal disclaimers in response to a non-final Office action.

One terminal disclaimer referenced Patent No. 6,809,240. The other terminal disclaimer referenced Patent No. 6,232,535. Petitioner requests the terminal disclaimer referencing Patent No. 6,232,535, be withdrawn.

As of the current date, the examiner has not mailed out any Office action in response to the February 6, 2007 papers, and the examiner has failed to make any indication in the file wrapper that the Terminal Disclaimers are accepted and entered.

Based on a review of all the facts, the terminal disclaimer referencing Patent No. 6,232,535, will be withdrawn.

The papers filed with the petition instructed the Office to charge $130 to petitioner's deposit account for the fee. As a result, $130 was charged to the account. However, the fee required for a petition under 37 CFR 1.182 is $400. Therefore, an additional $270 has been charged to the deposit account.

Technology Center Art Unit 1638 will be informed of the instant decision and the examiner will consider the merits of the papers filed February 6, 2007, in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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Office of Petitions